

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11924-RGS

IAN J. BROWN, JAMES
BROWN, and BARBARA
BROWN,
Plaintiffs,

v.

UNITED STATES OF
AMERICA, VERIZON NEW
ENGLAND, INC., and
BOSTON EDISON COMPANY
d/b/a NSTAR ELECTRIC,
Defendants.

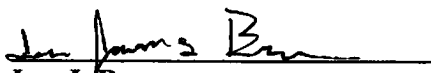
AFFIDAVIT OF IAN J. BROWN

I, Ian J. Brown, hereby state as follows:

1. I graduated from the United States Air Force Academy in 1999, and, on January 4, 2002, I was serving as a U.S. Air Force First Lieutenant stationed at Hanscom Air Force Base, Massachusetts.
2. On January 4, 2002, I was rendered a paraplegic as the result of an off-base motorcycle accident that occurred on a public, civilian roadway in Bedford, Massachusetts. At the time of the accident, I was twenty-five years old, and I was operating my privately-owned motorcycle.
3. The civilian roadway upon which I was traveling at the time of my accident was adjacent to property owned by the United States.

4. The motorcycle accident apparently occurred when I struck a depression in the road, which caused me to lose control of my motorcycle.
5. After becoming separated from my motorcycle, I hit a guardrail along the roadway, and I put myself into a tucked position as my momentum carried me along the guardrail. Despite these efforts to protect myself, I suffered devastating injuries when the guardrail propelled me, headfirst, into a telephone pole that was located on the "road side" of the guardrail.
6. At the time of my motorcycle accident, I was returning to Hanscom AFB from lunch, which I had eaten at my government-owned, but off-base, living quarters.
7. At the time of my accident, I was under no military orders, duty or compulsion to eat lunch at my home.
8. Instead of going home to eat lunch on the day of my motorcycle accident, I could have chose to avoid eating lunch altogether, or eaten on base, or traveled to a local restaurant for lunch.
9. At the time of my accident, I was under no military orders, duty or compulsion to be riding my motorcycle along the public roadway where my accident occurred.

**SIGNED UNDER THE PAINS AND PENALTIES OF
PERJURY THIS 14th DAY OF JANUARY 2005**


Ian J. Brown